

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**IN RE SUBPOENA TO ROOSTER
TEETH PRODUCTIONS, LLC**

WILLIAM P. RHODES,
Plaintiff

v.

**PORTFOLIO RECOVERY
ASSOCIATES, LLC, ET AL.,**
Defendants

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Case No. 1:21-MC-973-LY

ORDER

Before the Court is Defendant Portfolio Recovery Associates, LLC's ("PRA") Motion to Compel Rooster Teeth Productions, LLC ("Rooster Teeth") to Comply with FED. R. CIV. P. 45 Subpoena, filed October 26, 2021 (Dkt. 1). On October 28, 2021, the District Court referred the motion and related filings to the undersigned Magistrate Judge for resolution, pursuant to 28 U.S.C. § 636(b)(1)(A), Federal Rule of Civil Procedure 72, and Rule 1(c) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas ("Local Rules"). Dkt. 3.

This lawsuit is pending in the United States District Court for the Eastern District of Virginia and arises out of a defaulted debt PRA was attempting to recover from Plaintiff William P. Rhodes. *See Rhodes v. Portfolio Recovery Associates, LLC*, 1:20- 2:21-cv-00332-RCY-RJK (E.D. Va.). The debt at issue arose from a PayPal account allegedly opened by a "William Poff" using Plaintiff's Social Security number. Plaintiff disputed the debt, claiming the account was fraudulently opened in his name. Plaintiff alleges that PRA failed to conduct a reasonable investigation of the dispute, in violation of the Fair Debt Collection Practices Act ("FDCPA"), the

Fair Credit Reporting Act (“FCRA”), the Maryland Consumer Debt Collections Act, and the Maryland Consumer Protection Act. Discovery is set to close on December 14, 2021.

On September 8, 2021, PRA issued a Rule 45 Subpoena to Produce Documents, Information, or Objects to Non-Party Rooster Teeth, one of the entities where the alleged identity thief made purchases. Dkt. 1-2. The Subpoena seeks from Rooster Teeth documents related to purchases made by the alleged identity thief. *Id.* To date, Rooster Teeth has not objected to, moved to quash, or otherwise responded to PRA’s Subpoena. Accordingly, on October 26, 2021, PRA filed the instant Motion to Compel asking the Court to compel Rooster Teeth to comply with the Rule 45 Subpoena. Rooster Teeth did not respond to the Motion.

Under Local Rule CV-7(d)(2), responses to non-dispositive motions are due within seven days after the motion is filed; if no response is timely filed, the court may grant the motion as unopposed. Rooster Teeth did not respond to Movant’s Motion by the deadline. Accordingly, the Court **GRANTS** Defendant Portfolio Recovery Associates, LLC’s Motion to Compel Rooster Teeth Productions, LLC to Comply with the Rule 45 Subpoena (Dkt. 1) as unopposed, pursuant to Local Rule CV-7(d)(2).

IT IS FURTHER ORDERED that this case be removed from the Magistrate Court’s docket and returned to the docket of the Honorable Lee Yeakel.

SIGNED on November 3, 2021.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE